GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Mines & Geology - Issued dispatch permits – Violating orders of the Director of Mines & Geology - Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension) – Departmental action Under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules 1991 –Article of Charges – Issued.

INDUSTRIES & COMMERCE (VIGILANCE) DEPARTMENT

G.O.RT.No. 8 Dated: 11-01-2021

Read the following:

1) G.O.Rt. No. 165, Ind. & Com (Vigilance) Dept., dt:20.08.2020.
2) Director of Mines & Geology Pro.No.33040/E1/1988, Date:20.08.2020.

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ORDER:-

It is proposed to hold an enquiry against Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed (Annexure-III&IV).

3. Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension) is directed to submit his written statement of defense within ten days of the receipt of this order and also state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charges which are not admitted. He should, therefore, specifically admit or deny each article of charges.

5. Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension) is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control, and Appeal) Rules, 1991 or orders/ directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension) is invited to Rule 24 of the Andhra Pradesh Civil Services(Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

(P.T.O)

To
Sri M. Shankar Rao, Assistant Director of Mines & Geology (under suspension).(through the Director of Mines And Geology Department, Vijayawada with a request to serve the order on the individual and send the served copy with dated signature to Government).
The Director of Mines & Geology, B Block (Vth and VIth Floors), Anjaneya Towers, Ibrahimpatnam, Vijayawada, Krishna District.
Copy to
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, AP Secretariat, Velagapudi.
PS to Hon'ble Minister (Mines & Geology, PR&RD).
Sf/Sc.

//FORWARDED ::BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI M. SHANKAR RAO, ASST. DIRECTOR OF MINES & GEOLOGY

That, Sri M. Shankar Rao, Asst. Director of Mines & Geology (under suspension), while working as ADM&G, Tekkali alleged that:

Sri M. Shankar Rao, Asst. Director of Mines & Geology, Tekkali has issued dispatch permits 20 no. of Colour Granite Blocks on 17.08.2020 under Auto permit system with ulterior motives and favour from the lessee inspite of categorical instructions issued by the Director of Mines & Geology, over phone on 14.08.2020.

Thus, Sri M. Shankar Rao, Asst. Director of Mines & Geology, Tekkali by his above mentioned acts failed to take all possible steps to ensure the integrity and devotion to duty and thereby contravened Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI M. SHANKAR RAO, ASST. DIRECTOR OF MINES & GEOLOGY.

The Director of Mines and Geology, Hyderabad vide Proc No. 2383/R1-1/2014, dated:27.05.2015 has granted 1st Renewal of Quarry lease for Colour Granite an extent of 4.517 hectares in Sy. No. 4.517 Ha in Sy. No. 71 of Lingalavalasa Village, Tekkali Mandal, Srikakulam District to M/s. M.S.P Granites, Prop: Sri M.S. Palanivel for a further period of 20 years we.f.14.02.2014. The renewal quarry lease deed was executed by the ADM&G, Tekkali, Srikakulam Dt., on 12.06.2015 for the period upto 13.02.2034.

Subsequently, the quarry lease held by M/s. MSP Granites was jointly inspected by the RV&EO and Mines and Geology Department officials and reported that there are 15 working pits and about 4,18,619 CBM (Four lakhs eighteen thousands six hundred and nineteen cubic meters) of rock mass was excavated. Therefore, about 83,723 CBM (Eighty three thousands seven hundred and twenty three cubic meters) of Colour Granite produced and they reported about 55,920 CBM (Fifty five thousands nine hundred and twenty cubic meters) of Colour Granite was dispatched without valid dispatch permit issued by the Mines & Geology Department.

Hence, a Show Cause Notice was issued to M/s. M.S.P. Granites by the ADM&G, Tekkali, Srikakulam Dt., vide S.C.N. No. 2417/Q/2007, dated: 09.03.2020 for the excess excavation and the transportation of 55,920.08 CBM (Fifty five thousands nine hundred and twenty cubic meters) of Colour Granite without obtaining dispatch permit from the Department.

The ADM&G, Tekkali vide Lr.No. 1805/Q/2012, Dt: 25.06.2020 has requested the DM&G to issue necessary instructions for issue of dispatch permits to M/s. MSP Granites. The DM&G vide Memo No. 3430252/D1-2/201, dt: 08.07.2020 directed the ADM&G, Tekkali to inform to M/s MSP Granties represented by its Prop: Sri M.S. Palanivel to submit reply to the show cause notice no. 2417/Q/2007, dt: 09.03.2020 issued by him and thereafter, the issue will be considered for issue of dispatch permits to the lease holder.

The Director of Mines and Geology, has issued instructions over phone on 14.08.2020 to the ADM&G, Tekkali that no action to be taken for issue of dispatch permit to M/s M.S.P. Granites, based on Government Pleader for Mines letter dt: 13.08.2020 as the issue is under examination.

Inspite of the orders, Sri M. Shankar Rao, Asst. Director of Mines & Geology, Tekkali vide his Lr.No. 1805/Q/2012, Dt: 17.08.2020, has informed that he has issued the dispatch permit for 20 no. of colour Granite blocks on 17.08.2020 under auto permit system, with ulterior motives and favour from the lessee.

Thus, the diligent officer by his above mentioned acts has exhibited lack of integrity and devotion to duty thereby, he violated Rule (3) of APCS (Conduct) Rules, 1964.

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ANNEXURE-III

List of Documents in support of Article of Charges:-

1	Show cause notice No.2417/Q/2007, Date: 09.03.2020.
2	Representation dated: 16.03.2020 of M/s MSP Granites.
3	Govt., Memo No. INC01-MG0DMGE/169/2020, Dt: 19.03.2020.
4	ADM&G, Tekkali Letter No. 1805/Q/2012, Dt:26.03.2020 received on 15.04.2020.
5	DM&G Memo No. 3430252/D1-2/2019, Dt: 22.06.2020
6	ADM&G, Tekkali Letter No. 1805/Q/2012, Dt:25.06.2020 received on 30.06.2020.
7	DM&G Memo No. 3430252/D1-2/2019, Dt: 08.07.2020
8	Government Pleader Letter No.LO/WP No.11549/2020/M&G/IIC, dt:13.8.2020
9	ADM&G, Tekkali Letter No.1805/Q/2012 , Dt:17.08.2020.

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ANNEXURE-IV

List of Witnesses in support of Article of Charges:

1.	Dr.Rajesh Kumar, Asst.Director of Mines & Geology,Srikakulam & FAC ADM&G, Tekkali
2	Sri Ch.Suryachandra Rao,Deputy Director of Mines & Geology, Srikakulam
3	Sri G.Byragi Naidu, ADM&G, Visakhapatnam presently working as ADM&G, Head Office in deputation.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT